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**FILED**

APR 07 2025

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Richard Louis Brown

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-against-

SEIU Local 1000

Service Employees International Union (SEIU)

California State Employees Association (CSEA)

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Objections to Magistrate Judge's Findings  
and Recommendations**

Case No. 2:24-cv-03276-DJC-JDP(PS)

Jury Trial:  Yes  No

*(check one)*

*Submitted by Richard Louis Brown, Pro Se*

**April 7, 2025**

**LEGAL OBJECTIONS TO THE MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS**

Submitted by Richard Louis Brown, Pro Se

**I. INTRODUCTION**

The Plaintiff, Richard Louis Brown, respectfully submits these Objections to the Magistrate Judge's Findings and Recommendations dated April 1, 2025.

The Court recommended dismissal of Plaintiff's First Amended Complaint (FAC) without leave to amend, concluding that the FAC failed to state a claim under 42 U.S.C. § 1983 because the Defendants did not act under color of state law. The Court further asserted that the deficiencies could not be cured by amendment.

Plaintiff contends that the Findings and Recommendations are erroneous and contrary to established legal standards.

The FAC adequately states claims under § 1983, as the Defendants acted under the color of state law in their capacity as government employees or representatives of SEIU Local 1000, which is a public sector union operating under California state law. Additionally, Plaintiff submits that further amendments would cure any deficiencies identified by the Court, warranting leave to amend.

*Submitted by Richard Louis Brown, Pro Se*

## **II. SUMMARY OF THE CASE**

Plaintiff was duly elected as President of SEIU Local 1000 in May 2021 and subsequently removed from office in a manner that violated both internal governance documents and constitutional rights.

The FAC alleges violations of the First, Eighth, Fourteenth, and Fifteenth Amendments as follows:

1. First Amendment Violations: Plaintiff was removed as a direct result of his speech advocating for the removal of political spending by Local 1000, infringing on his freedom of speech and association.
2. Eighth Amendment Violations: The Plaintiff's suspension and removal process inflicted excessive and unreasonable punishment, amounting to cruel and unusual punishment.
3. Fourteenth Amendment Violations: Plaintiff was deprived of due process as the removal was conducted without fair procedures, including lack of a legitimate hearing.
4. Fifteenth Amendment Violations: The restructuring of the union's leadership undermined democratic voting rights by preventing members from having a legitimate say in union governance.

## **III. OBJECTIONS TO FINDINGS AND RECOMMENDATIONS**

### **A. Objection 1: The Court Erred in Finding No State Action under 42 U.S.C. § 1983**

The Court concluded that SEIU Local 1000, SEIU, and CSEA are not state actors and that their actions are not attributable to the state.

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**LEGAL OBJECTIONS TO THE MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS**

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However, this finding fails to consider the following:

**1. Acting Under the Color of State Law as Government Employees**

The Defendants, as officers and representatives of SEIU Local 1000, a public sector union, acted under the color of state law because their roles inherently involve the execution of public employee union officer duties, including collective bargaining and governance, which are regulated by state and federal law.

**- California Civil Procedure Code Violations:**

- CCP § 1085 (Writ of Mandate): The Defendants failed to perform their legal duties as mandated by law, particularly in following the procedural requirements for suspension and removal of a union president.

- CCP § 526a (Taxpayer Actions to Restrain Waste): The misuse of union funds and resources to unlawfully remove the president constitutes waste.

- CCP § 1060 (Declaratory Relief): The unlawful removal created a controversy regarding the rights and duties of union leadership.

**- California Corporations Code Violations:**

- Corporations Code § 5238 (Indemnification of Officers): Defendants refused to indemnify Plaintiff while indemnifying others.

- Corporations Code § 7150 (Bylaws): Actions against Plaintiff violated the 2018 Bylaws and 2020 Policy File.

- Corporations Code § 7151 (Corporate Governance): Defendants failed to adhere to statutory requirements for meetings and leadership changes.

- Corporations Code § 7223 (Removal of Directors by Court): Plaintiff's removal did not follow the required legal process as mandated, which stipulates a court order for removing a director from a nonprofit mutual benefit corporation.

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- Corporations Code § 7813 (Meetings and Voting): The restructuring and removal process did not follow legally mandated voting protocols.

**Affiliation with SEIU and CSEA:**

- SEIU Local 1000 is an affiliate of SEIU (Service Employees International Union) and CSEA (California State Employees Association), integral to the union's operations.

**B. Objection 2: The Court Erred in Finding that the FAC Fails to State a Claim**

- 1. First Amendment Claims:** The FAC details how Plaintiff's speech on union governance and political spending led directly to retaliatory removal.
- 2. Eighth Amendment Claims:** The removal process, devoid of due process, resulted in financial harm and reputational damage, constituting cruel and unusual punishment.
- 3. Fourteenth Amendment Claims:** The lack of a fair and impartial hearing violated due process rights.
- 4. Fifteenth Amendment Claims:** The leadership restructuring and denial of a member vote violated fundamental voting rights.

**C. Objection 3: The Court Erred in Dismissing Without Leave to Amend**

- 1. Liberal Pleading Standards:** Dismissal without leave to amend is inappropriate, especially for a pro se litigant. The Court should apply a liberal standard as established in *Haines v. Kerner*, 404 U.S. 519 (1972).
- 2. Potential for Amendment:** Plaintiff can further specify how the actions of the union leadership were conducted under state authority.
- 3. Fairness Considerations:** The opportunity to amend is crucial given the significant legal and factual issues presented.

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**LEGAL OBJECTIONS TO THE MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS**

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**IV. CONCLUSION**

For the reasons set forth above, Plaintiff respectfully requests that the Court:

1. Reject the Findings and Recommendations to dismiss the First Amended Complaint without leave to amend.
2. Allow Plaintiff the opportunity to file a Second Amended Complaint addressing the Court's concerns and providing additional facts related to state action.
3. Permit the case to proceed on the merits as the FAC sufficiently states plausible claims under § 1983.
4. Plaintiff sincerely asks in a plea of prayer to this Court in the name God through Jesus Christ to accept my objections to denial of my FAC. God sees no color regarding right versus wrong. Therefore, Plaintiff is asking for this Court to clearly understand that the Defendants" as public elected officials committed official acts of public service under the color of law were deliberate and wrong!

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11. I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 7, 2025

Signature of Plaintiff Richard Louis Brown

Printed Name of Plaintiff Richard Louis Brown